

## Article 7: Elections, Campaign Finance and Lobbying

### Division 5: Ballots for Measures

*(“Ballots for Measures” added 7-26-1999 by O-18664 N.S.)*

#### §27.0501 Purpose and Intent

The purpose and intent of this division is to clarify and consolidate all provisions for ballot *measures* in one division to better enable administration of these procedures and to provide for public participation in the process.

*(“Purpose and Intent” added 7-26-1999 by O-18664 N.S.)*

#### §27.0502 Submission of Ballot Measures at City-wide Elections

Bond *measures* and other *measures* may be submitted at any *City-wide Primary* or *General Election*, or at any *City-wide special election* held for that purpose.

*(“Submission of Ballot Measures at City-wide Elections” added 7-26-1999 by O-18664 N.S.)*

#### §27.0503 Ballot Question Adopted by Council

The *City Council* shall decide by ordinance the content of the *ballot question* for each *ballot measure*, within the word limit prescribed by the California Elections Code.

*(“Ballot Question Adopted by Council” added 7-26-1999 by O-18664 N.S.)*

#### §27.0504 Preparation of Ballot Title and Summary

- (a) The *City Council* may direct the City Attorney to prepare a ballot title and summary of any proposed *measure*. If so directed, the City Attorney shall place the title and summary on file in the Office of the City *Clerk* no later than 5:00 p.m. on the date established in accordance with the City *Clerk’s* administrative calendar for the *election* on the proposed *measure*.
- (b) The title and summary shall not exceed 500 words in length. The ballot title may differ from any other title of the proposed *measure*.
- (c) In providing the ballot title and summary, the City Attorney shall give a true and impartial statement of the proposed *measure* in language that shall not be an argument, or likely to create prejudice, for or against the proposed *measure*.

- (d) The title and summary shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed *measure*.
- (e) The ballot title and summary constitute *ballot materials* within the meaning of Section 27.0103.  
(“*Preparation of Ballot Title and Summary*” added 7-26-1999 by O-18664 N.S.)

**§27.0505 Preparation of Impartial Analysis**

- (a) The City *Council* may direct the City Attorney to prepare an impartial analysis of any proposed *measure*. If so directed, the City Attorney shall place the impartial analysis on file in the Office of the City *Clerk* no later than 5:00 p.m. on the date established in accordance with the City *Clerk*’s administrative calendar for the *election* on the proposed *measure*.
- (b) The analysis shall not exceed 500 words in length.
- (c) The City Attorney shall prepare the analysis to show the effect of the *measure* on existing law and what the *measure* would do.
- (d) If the *measure* affects the organization or salaries of the Office of the City Attorney, the City *Council* may direct an appropriate official to prepare the analysis.
- (e) The analysis shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed *measure*.
- (f) In the event the entire text of the *measure* is not printed on the ballot, nor in the *voter pamphlet*, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Proposition\_\_\_\_. If you desire a copy of the ordinance or *measure*, please contact the Office of the City Clerk (533-4000).”

A copy will be provided to the requestor at no cost. This requirement may be met by the *Clerk*’s placement of an exact copy of the ordinance or *measure* on the Internet.

- (g) The impartial analysis constitutes *ballot materials* within the meaning of Section 27.0103.  
(“*Preparation of Impartial Analysis*” added 7-26-1999 by O-18664 N.S.)

**§27.0506 Preparation of Fiscal Impact Analysis**

- (a) The City *Council* may direct the City Manager to prepare a fiscal impact analysis of the proposed legislative act. If so directed, the City Manager shall place the fiscal impact analysis on file in the Office of the City *Clerk* no later than 5:00 p.m. on the date established in accordance with the City *Clerk's* administrative calendar for the *election* on the proposed legislative act.
- (b) The analysis shall not exceed 500 words in length.
- (c) The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an option as to whether or not significant change in City finances would result if the proposed *measure* is adopted.
- (d) The analysis shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed legislative act.  
(“*Preparation of Fiscal Impact Analysis*” added 7-26-1999 by O-18664 N.S.)

**§27.0507 Order of Measures on Ballot**

The City *Council* may by ordinance prescribe the order of *measures* placed on the ballot. Unless the City *Council* prescribes otherwise, the order shall be as follows:

- (a) Initiative *measures*, including both *measures* placed on the ballot by *petition* and *measures* placed on the ballot by action of the City *Council* pursuant to Section 27.1001, in the order in which the ordinances placing the initiative *measures* on the ballot are adopted by the City *Council*;
- (b) Bond *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;
- (c) Charter amendments in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;
- (d) Other legislative *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;
- (e) Referendum *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*; and

- (f) Advisory matters in the order in which the ordinances placing them on the ballot are adopted by the *City Council*.  
(“*Order of Measures on Ballot*” added 7-26-1999 by O-18664 N.S.)

**§27.0508 Written Arguments**

- (a) The *City Council*, or any member or members of the *City Council* authorized by that body, or any individual *voter* who is eligible to vote on the *measure*, or bona fide association of citizens, or any combination of *voters* and associations, may file a written argument for or against any *City measure*.
- (b) The argument shall not exceed 300 words in length.
- (c) The argument for and the argument against each *measure* shall be printed in the *voter pamphlet* provided with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed in the *voter pamphlet* and included with the sample ballot. The printed arguments are *ballot materials* within the meaning of Section 27.0103.
- (d) Printed arguments submitted to *voters* in accordance with this section shall be titled either “Argument in Favor of Proposition \_\_\_\_\_” or “Argument Against Proposition \_\_\_\_\_,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the *measure*. The word “*Measure*” may be substituted for the word “*Proposition*” in such titles. Words used in the title shall not be counted when determining the length of any argument.
- (e) A ballot argument shall not be false, misleading, or inconsistent with the requirements of this article.  
(“*Written Arguments*” added 7-26-1999 by O-18664 N.S.)

**§27.0509 Argument Not Accepted without Names**

- (a) The *City Clerk* shall not accept a ballot argument for publication in the *voter pamphlet* unless it is accompanied by the name and signature of the individual submitting it, or, if submitted on behalf of an organization, the name of the organization and the name and signature of at least one of its principal officers.
- (b) The *voter pamphlet* shall contain a maximum of five signatures with any argument submitted under this division. In case any argument is signed by more than five *persons*, the signatures of the first five shall be printed.

- (c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.  
(*Amended 7-18-2000 by O-18826 N.S.*)

**§27.0511 Final Date for Arguments**

The City *Clerk* shall determine and fix a reasonable date prior to each *election* after which no arguments for or against any *measure* may be submitted for printing and distribution to the *voters*. This deadline shall be based on the time reasonably necessary to prepare and print the arguments and sample ballots, and to permit the ten-calendar-day public examination as provided for in Sections 27.0402 and 27.0403. Arguments may be changed or withdrawn by their *proponents* until and including the date fixed by the City *Clerk*.  
(*“Final Date for Arguments” added 7-26-1999 by O-18664 N.S.*)

**§27.0512 Priority for Selection if More than One Argument Submitted**

If more than one argument for, or more than one argument against, any *measure* is submitted to the City *Clerk* within the time prescribed, the City *Clerk* shall select one of the arguments in favor, and one of the arguments against, the *measure* for printing and distribution to the *voters*. In selecting the argument the City *Clerk* shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City *Council*, or member or members of the City *Council*, including the Mayor, authorized by that body.
- (b) The individual *voter*, or bona fide association of citizens, or combination or *voters* and associations, who are the bona fide sponsors or *proponents* of the *measure*.
- (c) Bona fide associations of citizens.
- (d) Individual *voters* who are eligible to vote on the *measure*.  
(*“Priority for Selection if More than One Argument Submitted” added 7-26-1999 by O-18664 N.S.*)

**§27.0513 Council Authorization of Ballot Arguments**

- (a) The City *Council* may by resolution authorize itself or individual members, including the Mayor, to sign a ballot argument in support of or in opposition to any *measure* placed on the ballot.

- (1) The City *Council* may designate the Mayor to sign the argument on behalf of the Mayor and City *Council*;
  - (2) The City *Council* may designate the Mayor and individual members of the City *Council* to sign the argument; or
  - (3) The City *Council* may designate individual members of the City *Council* to sign the argument.
- (b) Ballot arguments submitted and signed by individual members of the City *Council*, including the Mayor, but not authorized by resolution of the City *Council*, will be considered as submitted by individual *voters* for the purpose of selecting an argument for the sample ballot.  
(“*Council Authorization of Ballot Arguments*” added 7-26-1999 by O-18664 N.S.)

**§27.0514 No Rebuttal Arguments to be Published**

Rebuttal arguments shall not be published in the *voter pamphlet* and the City *Clerk* may not accept a rebuttal argument for any City *measure*.  
(“*No Rebuttal Arguments to be Published*” added 7-26-1999 by O-18664 N.S.)

**§27.0515 Examination Period for Ballot Materials**

There shall be a public examination period for all *ballot materials* filed with the City *Clerk* for any *measure* to be submitted to the *voters* pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.  
(“*Examination Period for Ballot Materials*” added 7-26-1999 by O-18664 N.S.)